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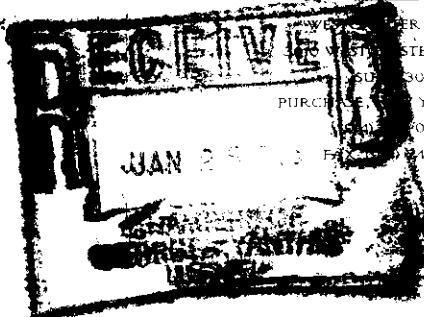
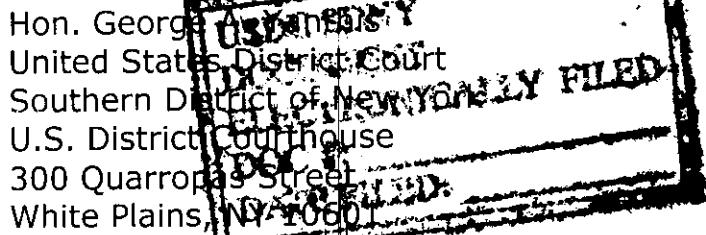
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January 24, 2008



Re: Trustees of Bricklayers and Allied Craftworkers
 Local 5 v. Carmody Defendants, et al.
07 CIV 7529 (KMK)(GAY)
 Our File No. 26532.0931

Dear Judge Yanthis:

Please consider this letter as a motion for reconsideration under Local Rule 6.3 of your endorsed Order in the above matter dated January 17, 2008.

I had anticipated that Mr. Pirrotti and I would have the opportunity to discuss this issue with you prior to a decision as I had new information on point.

I was only recently advised by my client that Carmody Construction Corp. makes extensive use of non-union mason employees to perform masonry work on its construction projects. The Labor Agreement between the Bricklayers and Carmody does not distinguish between members of the Union and non-members. It is the obligation and fiduciary duty of the Trustees to collect contributions for all masons employed by Carmody, Union members and non-members alike. The Trustees may not discriminate on the basis of union membership.

In Adlers v. Bricklayers, 779 F. Supp. 914 (DCWD Michigan 1991) the Court held that a provision limiting benefits to union members violated the requirement of the Labor Management Relations Act that such employee benefit